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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,764	03/19/2004	Mark Johnsgard	PA2704US	7692
22830	7590	08/31/2009		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER WU, IVES J	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			08/31/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,764	<b>Applicant(s)</b> JOHNSGARD ET AL.	
	<b>Examiner</b> IVES WU	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 15-17, 20, 22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-14, 18-19, 21, 23, 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

(1). The Remarks, Amended Drawing filed on 4/22/2009 has been received.

The indicated allowability of claims 1-27 is withdrawn in view of Lane et al (US 5846275A) and Seeley et al (US 6530977B2). Rejections based on the cited reference(s) follow.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(2). **Claims 1, 7, 15-17 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Lane et al (US 5846275A).

The instant claims are directed to apparatus and method for providing heated effluent gases to a scrubber. Claim 1 requires an inlet manifold including a port configured to receive an effluent gas stream from an exhaust line and a heated gas inlet configured to receive a stream of heated gas; and a scrubber interface device in fluid communication with the inlet manifold and configured to deliver the effluent gas stream from the inlet manifold to a gas scrubbing system.

US'275 teaches a scrubber inlet device (see Fig. 1) comprising an inlet manifold (defined by the inlet portion 7 and the upper annular portion 8 of Fig. 1) including a port (1) for receiving an effluent gas stream (66, 90) and a heated gas inlet (4, 14, 22, 23, 24) for receiving a stream of heated gas, and a scrubber interface device (defined by the lower annular section 30) which is in fluid communication with the inlet manifold and configured to deliver the effluent gas stream to a gas scrubbing system (13). See col. 5-8. The disclosure teaches, col. 5, line 24-34, "upstream piping may be suitably heat-traced in a conventional manner, from the upstream source of the gas stream, e.g., a semiconductor manufacturing tool, to the inlet flange on the inlet structure as shown. The purpose of such heat-tracing is to add sufficient energy to the gas stream in the piping to prevent components of such gas stream from condensing or subliming in the inlet structure". Also, a heating element for heating the inlet inert gas stream 24 is shown as element

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23 of Fig. 1. The structure of the inlet portion 7 and the upper annular portion 8 of the inlet device of the US'275 reads on the scope defined by the term "inlet manifold".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

(3). **Claims 1, 7, 15-17, 20, 22, 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al (US 5846275A) in view of Seeley et al (US 6530977B2).

US'275 discloses an inlet structure (60 of Fig. 1) for delivering an effluent gas stream into a gas scrubbing system 13 comprising an inlet section (7, 8 and 9) comprising an inlet port 1 for receiving an effluent stream 1 and a heated gas inlet (4,14, 22 and 23) for receiving a stream of inert gas, and a scrubber interface device (defined by the lower section 30 of Fig. 1) in fluid communication with the inlet section and configured to deliver the effluent gas to a scrubbing system. In the event that the 102 rejection is not agreed with, the teachings of Lane et al and Seeley et al are combined.. As discussed in the anticipation rejection, US '977 teaches an inlet device in the same field of endeavor comprising an inlet manifold including a port for receiving an effluent gas stream and a heated gas inlet for receiving a gas stream that is mixed to the effluent stream, and means (5, 11, 13) for heating the inlet manifold, the effluent stream and the gas stream. Thus, with respect to the apparatus claims, it would structure of the US'977 as an inlet manifold as taught by the US '977 in order to facilitate the heating of the effluent and inert

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gas streams and the mounting of said inlet structure to another device such as a scrubbing system.

With respect to the method claims 20, 22, 24 and 25, col. 6, line 46-64, col. 7, lines 9-14 and col. 8, lines 41-64 of US '275 disclose that both of the effluent gas stream and the inert gas stream are heated to a temperature to prevent the condensation of species in said gas streams on the wall of the inlet structure. Thus, it would have been obvious to one having ordinary skill in the art in view of the combination of the two references to have the inlet manifold heated to a temperature that is equal to or greater than a condensation temperature of the effluent gas stream to prevent the deposition the deposition of unwanted species on the wall of the inlet structure.

***Allowable Subject Matter***

(4). **Claims 2-6, 8-14, 18-19, 21, 23, 27** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IVES WU whose telephone number is (571)272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

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Date: August 27, 2009

/DUANE SMITH/  
Supervisory Patent Examiner, Art Unit 1797